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## CORRESPONDENCE.

PETERSBURG, VA., April 27, 1896.

*To the Editor of the Virginia Law Register :*

SIR—Since the adjournment of the recent session of the General Assembly, I have received many inquiries, including yours, asking information as to the fate of a bill introduced by me at that session, having for its object the correction of the defect in the title of the statute passed at the session of 1893-4, in regard to the competency of husband and wife as witnesses for or against each other (Acts 1893-4, chapter 619).

The history of the measure is this: As chapter 619 of Acts 1893-94 was originally drawn and reported from the Committee for Courts of Justice, the title read, "An Act to make husband and wife competent witnesses for or against each other in *certain cases*." By an error in engrossment, the title of the Act as published was made to read "An Act to make husband and wife competent witnesses for or against each other in *civil cases*." This error, of course, invalidates the Act in so far as it applies to criminal cases.

On either the first or the second day of the session of 1895-6, I introduced a bill which sought merely to correct the error in the title of the present Act, so as to make it read, "An Act to make husband and wife competent witnesses for or against each other in certain civil and criminal cases." And to re-enact the Act (chapter 619) as thus amended. This bill was, of course, referred to the Committee for Courts of Justice, where it met with much delay, from various causes. It finally emerged from the committee with an amendment virtually providing that where one of the original parties to a contract, matter, or other transaction which is the subject of investigation, is incapable of testifying by reason of death, insanity, infancy, or other legal cause, and the other party to such contract, matter, or transaction is made incompetent to testify by sub-section two of section thirty-three hundred and forty-six of the Code of Virginia, then in such case the consort of either party shall be incompetent to testify in relation to such contract, matter, or transaction. In this shape, to-wit, with the title corrected, and with the foregoing amendment, the bill passed the House, and, after a disagreement between the House and the Senate, caused by the action of the Senate in amending the House bill by striking out the above amendment to the body of the Act, the Senate receded from its amendment, and the bill went to the Governor in the closing days of the session, in the form in which it passed the House.

Seeing the statement in the papers a day or two after the end of the session, that the Governor had not signed the bill before the close of the session, and that it had therefore failed to become a law, I wrote to the Governor's private Secretary, asking to be informed of the Governor's objections to the bill, and I was told by him that the Governor's omission to sign the bill was not intentional, but that, among the many hundred bills which were presented to him for signature immediately before the close of the session, it had been overlooked.

W. P. McRAE.